

**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT**

DUKES, SS

DOCKET NO.

MATTHEW VANDERHOOP,
Plaintiff

VS

**WILMINGTON SAVINGS FUND
SOCIETY FSB, DOING BUSINESS AS
CHRISTIANA TRUST, NOT IN ITS
INDIVIDUAL CAPACITY, BUT
SOLELY AS TRUSTEE FOR BCAT
2014-10TT,**
Defendant

**COMPLAINT AND MOTION FOR TEMPORARY
RESTRAINING INJUNCTION FOR PROTECTION FROM
AN UNLAWFUL FORECLOSURE AUCTION OF HIS
HOME, G.L.c 244, Sec. 35B**

NOW COMES Mr. Matthew Vanderhoop, the Plaintiff in the above-captioned action, who presents this Complaint and Motion for Temporary Restraining Injunction for Protection from Unlawful Foreclosure Auction of his Home, located at 17 Old South Road, in Aquinnah, Massachusetts.

1. On or about April 24, 2007, Mr. Vanderhoop obtained a mortgage from Sovereign Bank for \$850,000 to purchase 17 Old South Road, Aquinnah. During the recent recession, Mr. Vanderhoop fell behind in his mortgage, but has been denied the opportunity to modify his mortgage in order to avoid foreclosure of his home in violation of G.L.c 244.
2. The Defendant does not have clear title to Mr. Vanderhoop's home, 17 Old South Road, Aquinnah.
3. On January 22, 2016, Angela Farmer, Vice President, signed an *Affidavit Regarding Note Secure by Mortgage to be Foreclosed*, by Wilmington Savings Fund Society, FSB, doing business as Christiana Trust, not in its individual capacity but solely as Trustee for

BCATd 2014-10TT by Rushmore Loan Management Services LLC, its appointed attorney in Fact. See Book 01397, Book 883.

4. However, the property was not transferred to Wilmington Savings until February 6, 2018, when MTGLQ Investors, assigned and transferred Wilmington Savings Fund Society, FSB, Doing Business as Christiana Trust, not in its individual capacity but solely as Trustees for BCAT 2014-10TT, whose address is c/o Selene Finance LP. See Book 01460, Page 560.
5. Permission for Mr. Vanderhoop to access his home at 17 South Road, Aquinnah, has been granted to him and his family members by the Wampanoag Tribe of Gay Head (Aquinnah), of which Mr. Vanderhoop is a member, and it is questionable as to whether access across Wampanoag Tribal Lands would be allowed to a third party.

THEREFORE, Mr. Vanderhoop ask this Honorable Court to issue a Temporary Restraining Order, Preliminary Injunction, and Permanent Injunction restraining and enjoining the Defendant from conducting a Foreclosure auction of 17 South Road, Aquinnah, and award any other such relief as the Court deems appropriate. Further, Mr. Vanderhoop requests that the Court schedule Preliminary Injunction Hearing prior to the expiration of any Temporary Restraining Order that may be granted.

August 23, 2018

Respectfully submitted,
MATTHEW VANDERHOOP
By his attorney,

Deborah M. Dorman, Esq.
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BBO#635729

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**PLAINTIFF'S AFFIDAVIT IN SUPPORT OF
COMPLAINT AND MOTION FOR TEMPORARY
RESTRAINING INJUNCTION FOR PROTECTION FROM
AN UNLAWFUL FORECLOSURE AUCTION OF HIS
HOME, G.L.c 244, Sec. 35B**

1. My name is Matthew Vanderhoop and I live at 17 Old South Road, Aquinnah, Massachusetts.
2. I obtained a mortgage on or about April 24, 2007, but when I fell behind in my mortgage payments, was unable to obtain a modification of my mortgage.
3. My mortgage changed hands so many times that it was hard to keep up with who really owned my mortgage and the documents themselves regarding my title are equally confusing.
4. I am a member of the Wampanoag Tribe of Gay Head (Aquinnah) and have received tribal permission to access my home. I believe that this right of access is limited to me and my family.
5. If the foreclosure sale of my home is allowed today, my family and I will suffer irreparable harm.

Signed under the pains and penalties of perjury: _____
Matthew Vanderhoop